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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ALIYA TATARI,

11 Plaintiff,

12 v.

13 AMAR SAFADI,

14 Defendant.

CASE NO. C18-1286 MJP

ORDER OF DISMISSAL

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16 On August 30, 2018, Defendant filed a Notice of Removal to this Court, along with a
17 Motion for Leave to Proceed *In Forma Pauperis*. (Dkt. Nos. 1, 2.) An amended Motion for
18 Leave to Proceed *In Forma Pauperis* (Dkt. No. 7) has been granted (Dkt. No. 15), and the Court
19 turns its attention to the merits of the matter, pursuant to the dictates of 28 U.S.C. §
20 1915(e)(2)(B):

1 Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court
2 shall dismiss the case at any time if the court determines that—

* * *

(B) the action or appeal--

(i) is frivolous or malicious;

(ii) fails to state a claim on which relief may be granted; or

(iii) seeks monetary relief against a defendant who is immune from such relief.

5 Mr. Safadi's pleadings appear to be both frivolous and devoid of a claim upon which
6 relief can be granted. In the first place, the case name under which this matter was filed, Tatari
7 v. Safadi, refers to a dissolution proceeding in Snohomish County Superior Court (Cause No. 17-
8 3-02837-31). This Court is completely without jurisdiction to hear matters (such as dissolutions)
9 which are committed to the sole authority of the state courts.

10 Further examination of Mr. Safadi's Notice of Removal reveals that what he is actually
11 attempting to remove is not the Snohomish County dissolution proceeding, but a proceeding
12 which he entitles "Action Against Snohomish County Prosecuting Attorney Mark Kirby Roe"
13 (Dkt. No. 2-2) which appears to be filed under the same cause number as his dissolution
14 proceeding, but is in fact a separate piece of litigation by means of which Mr. Safadi is seeking
15 (1) the disbarment of Mr. Roe (and a number of other attorneys who have displeased him) as
16 well as (2) an amendment to the Revised Codes of Washington (RCW 9A.72.020, to be specific).

17 Mr. Safadi's explanation for how this lawsuit is properly removed to federal court is
18 found at Paragraph 3 of his Notice of Removal:

19 This action is a criminal action of which this court has original jurisdiction under the
20 provisions of the United States Code, Title 18 §§ 1961-1968, and is one that may be
21 removed to this court by Amar Safadi pursuant to United States Code, Title 28, Section
22 1455, according to the following facts: Mr. Mark Kirby Roe has committed multiple acts
23 of racketeering which is a federal crime under the Racketeer Influenced and Corrupt
24 Organizations Act.

Dkt. No. 2 at 2.

1 Mr. Safadi is correct that the violations of which he accuses Mr. Roe are found in the
2 RICO statutes of the federal criminal code. He is incorrect in believing that he has the authority
3 to bring suit against anyone (attorney or otherwise) under the authority of those statutes.¹ That
4 authority is reserved to the United States Attorney.

5 The Court finds that Mr. Safadi's case is both frivolous and fails to state a claim upon
6 which relief can be granted and, under the authority of 28 U.S.C. § 1915(e)(2)(B), hereby
7 DISMISSES the above-entitled pleading with prejudice.²

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9 The clerk is ordered to provide copies of this order to Defendant and to all counsel.

10 Dated October 11, 2018.

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12 The Honorable Marsha J. Pechman
13 United States Senior District Court Judge
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21 ¹ 28 U.S.C. § 1455 is indeed entitled "Procedure for removal of criminal prosecutions," but permits a *criminal*
22 defendant or defendants "desiring to remove any criminal prosecution from a State court [to] file in the district court
of the United States." 28 USC § 1455(a). Mr. Safadi is not a criminal defendant and the statute does not apply to
him.

23 ² The Court further notes that Mr. Safadi has filed essentially this identical action directly in federal court under the
24 case name Safadi v. Roe, et al. (C18-1305-RAJ) and directs the Clerk to provide a copy of this order to the
Honorable Richard A. Jones of this district.